

readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)

Rule 35. Pharmacy Technicians

856 IAC 1-35-1 Purpose and scope

Authority: IC 25-26-13-4

Affected: IC 25-26-13

Sec. 1. (a) The board is responsible for establishing standards for the competent practice of pharmacy.

(b) The use of pharmacy technicians to assist the pharmacist with nondiscretionary functions associated with the practice of pharmacy enables the pharmacist to provide pharmaceutical care to the patient.

(c) Evolved pharmacy practice demands additional time for pharmacists to counsel individual patients regarding the proper use of drugs.

(d) Only pharmacists (licensed under IC 25-26-13-11), pharmacy interns and externs (as defined in IC 25-26-13-2 and registered under IC 25-26-13-10), and pharmacy technicians as described in this section shall be permitted to participate in the activities associated with a drug order or prescription preparation.

(e) A pharmacist shall not permit a pharmacy technician to participate in the activities associated with a drug order or prescription preparation unless the pharmacy technician meets the qualifications of this section.

(f) The pharmacist is responsible for the work performed by the pharmacy technician under the pharmacist's supervision. *(Indiana Board of Pharmacy; 856 IAC 1-35-1; filed Aug 17, 1995, 8:30 a.m.: 19 IR 39; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; filed Dec 20, 2002, 12:17 p.m.: 26 IR 1561; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)*

856 IAC 1-35-2 "Unlicensed person" defined

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 2. (a) As used in this rule, "unlicensed person" means a pharmacy technician who, under the immediate and direct supervision of the pharmacist, assists the pharmacist in the technical and nonjudgmental functions related to the practice of pharmacy in the processing of prescriptions and drug orders.

(b) As used in subsection (a), "pharmacy technician" shall not include pharmacy intern/externs or other ancillary persons which include, but are not limited to:

- (1) clerks;
- (2) secretaries;
- (3) cashiers; or
- (4) delivery persons;

who may be present in the pharmacy. *(Indiana Board of Pharmacy; 856 IAC 1-35-2; filed Aug 17, 1995, 8:30 a.m.: 19 IR 40; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)*

856 IAC 1-35-3 "Pharmaceutical care" defined

Authority: IC 25-26-13-4

Affected: IC 25-26-13

Sec. 3. As used in this rule, "pharmaceutical care" means the responsible provision of drug therapy for the purpose of achieving definite outcomes that improve a patient's quality of life. *(Indiana Board of Pharmacy; 856 IAC 1-35-3; filed Aug 17, 1995, 8:30 a.m.: 19 IR 40; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)*

856 IAC 1-35-4 Qualifications

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 4. To be eligible to perform the functions and duties of a pharmacy technician, an individual must possess the following qualifications, which shall be ascertained and documented in a reasonably retrievable manner by the pharmacist that qualifies the pharmacy permit:

- (1) The individual has not been convicted of a crime that has a direct bearing on the individual's ability to work with legend drugs or controlled substances.
- (2) The individual must be a high school graduate or have successfully completed a General Education Development program or have been judged to be competent by the qualifying pharmacist.
- (3) The individual must have successfully completed or be enrolled in and successfully complete within twelve (12) months of being hired as a technician one (1) of the following board-approved programs:
 - (A) A comprehensive curricular-based education and training program conducted by a pharmacy or educational organization.
 - (B) A technician training program utilized by the employer that includes specific training in the duties required to assist the pharmacist in the technical functions associated with the practice of pharmacy. The contents of the training program shall include, at a minimum, the following:
 - (i) Understanding of the duties and responsibilities of the technician and the pharmacist, including the standards of patient confidentiality and ethics governing pharmacy practice.
 - (ii) Tasks and technical skills, policies, and procedures related to the technician's position.
 - (iii) Working knowledge of pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.
 - (iv) Working knowledge of the general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.
 - (v) Ability to perform the arithmetic calculations required for the usual dosage determinations.
 - (vi) Working knowledge and understanding of the essential functions related to drug purchasing and inventory control.
 - (vii) The record keeping functions associated with prescriptions or drug orders.
- (4) In lieu of the requirements in subdivision (3), the successful completion of a board-approved certification examination may satisfy the requirements of this section.
- (5) A record of the pharmacy technician training and education must be maintained in the pharmacy where the technician is employed and shall include the following:
 - (A) The name of the pharmacy technician.
 - (B) The starting date of employment as a pharmacy technician.
 - (C) The starting date of the technician training program.
 - (D) The date of completion of the training program or proof of passing the board-approved examination if subdivision (4) applies.
 - (E) A copy of the training manual, if on-the-job training is used by the employer, or certificate of successful completion of another approved program, or other training program completed prior to employment.

(Indiana Board of Pharmacy; 856 IAC 1-35-4; filed Aug 17, 1995, 8:30 a.m.: 19 IR 40; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; filed Dec 20, 2002, 12:17 p.m.: 26 IR 1562; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)

856 IAC 1-35-5 Duties that a pharmacy technician may not perform

Authority: IC 25-26-13-4
Affected: IC 25-26-13-18

Sec. 5. A pharmacy technician may perform many technical functions associated with the practice of pharmacy. However, even under the immediate and direct supervision of a pharmacist, the pharmacy technician is prohibited from performing the following functions:

- (1) Any duty required by law, regulation, or rule to be performed by a pharmacist.
- (2) The provision of advice or consultation with the prescriber or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.
- (3) The provision of advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

- (4) Dispensing of prescription drug information to the patient as required in IC 25-26-13-4.
- (5) Receipt of a verbal prescription, other than a refill approval or denial, from a prescriber.
- (6) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including, but not limited to, accuracy of the:
 - (A) drug;
 - (B) strength; and
 - (C) labeling.

(Indiana Board of Pharmacy; 856 IAC 1-35-5; filed Aug 17, 1995, 8:30 a.m.: 19 IR 41; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)

856 IAC 1-35-6 Provision of quality assurance; duties (Repealed)

Sec. 6. *(Repealed by Indiana Board of Pharmacy; filed Dec 20, 2002, 12:17 p.m.: 26 IR 1562)*

856 IAC 1-35-7 Identification

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 7. (a) The public shall be able to identify a pharmacist from a pharmacy technician while engaged in the provision of pharmaceutical care.

(b) A pharmacy technician shall:

- (1) wear identification clearly stating that the person is a pharmacy technician while on duty; and
- (2) identify himself or herself verbally in any telephonic or electronic communication as a pharmacy technician.

(c) No person, other than a person who has met the qualifications established in section 4 of this rule, will be permitted to wear identification using the words "pharmacy technician" or similar wording that may confuse or deceive another person. *(Indiana Board of Pharmacy; 856 IAC 1-35-7; filed Aug 17, 1995, 8:30 a.m.: 19 IR 41; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)*

Rule 36. Temporary Variances

856 IAC 1-36-1 Exceptions

Authority: IC 25-26-13-4

Affected: IC 25-26-13

Sec. 1. A person subject to the regulations of the board may request that the board grant a temporary variance from any rule adopted by the board, except rules concerning examinations, experience hours, and requirements for licensure. *(Indiana Board of Pharmacy; 856 IAC 1-36-1; filed Jul 23, 1998, 4:43 p.m.: 21 IR 4534; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330; readopted filed Oct 4, 2007, 3:33 p.m.: 20071031-IR-856070060RFA)*

856 IAC 1-36-2 Submission of a request for temporary variance

Authority: IC 25-26-13-4

Affected: IC 25-26-13

Sec. 2. A request for a temporary variance must be submitted to the board in writing. Each request must contain the following information:

- (1) The name, address, and license or permit number of the applicant.
- (2) The name of the responsible pharmacist and the specific location at which activities will be conducted under the temporary variance.
- (3) The citation to the specific rule from which the applicant seeks a temporary variance.
- (4) A detailed explanation of the purpose of the temporary variance.
- (5) An assessment of the impact on the public if the variance is granted.